

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 8, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 239, HB 374, HB 116,
3/1/2001

Executive Action:

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON HB 239

Sponsor: REP. BILL THOMAS, HD 93, Hobson

Proponents: Tony Herbert, Information Services Division
Myrle Tompkins, Montana Association for the Blind
Jim Marks, Montana Association for the Blind

Dan Burke, Montana Association for the Blind
Dick Croffs, Commissioner of Higher Education
Mark Sheean, Chief Information Officer of MSU

Opponents: None

Opening Statement by Sponsor:

REP. BILL THOMAS, HD 93, Hobson, told the committee this bill referred to technology for the visually impaired.

Proponents' Testimony:

Tony Herbert, Information Services Division said this bill put more emphasis on the procurement process.

Myrle Tompkins, Montana Association for the Blind, told the committee the association sponsored a four week program for newly blind people. The association also held an annual convention where they discussed and adopted resolutions that dealt with transportation and access to information difficulties. She added that visual access to information was a barrier.

Jim Marks, Montana Association for the Blind, told the committee there were federal and state laws already in place to assure access to information for the blind; however, those laws required discrimination to occur before becoming enacted. **Mr. Marks** said he wanted to change that. He stated the blind want accessibility to information. **Jim Marks** said he wanted purchasing power used wisely in regards to this issue. He told the committee that this legislation would not overburden Montana.

Dan Burke, Montana Association for the Blind, told the committee that the blind want access to what was on the computer screen and want access to web links. He said those were usually rendered through products supplied such as synthesized speech. However, synthesized speech programs could not read images and graphics, he added. **Dan Burke** stated that navigation on the computer was also a concern because the blind need to be able to use the computer "rodent free", without using the mouse. He said this bill would not require those programs to be installed. **Mr. Burke** said that the federal government provided those products already.

Dick Croffs, Commissioner of Higher Education, said he supported this legislation and that they had a long-time commitment to providing services for the visually impaired. He added that there were some things that may not be able to become accessible, but they wanted to improve upon the areas which could be improved.

Mark Sheean, Chief Information Officer of MSU, strongly supported this bill. He said the bill's intent was to leverage large software manufacturers into making their products accessible to the visually impaired. He felt this was an effective mechanism.

Mr. Sheean added that he did have some concerns: (1) He was concerned that the wrong decision might be used in relation to the undo burden clause; the intent of the bill was to allow the undo burden clause to be used when it made sense to do so. (2) He was not clear if software or semi-software material was included and needed to be in compliance. (3) He wondered who would determine if software or hardware was readily adaptable to the visually impaired each year. (4) **Mr. Sheean** asked who would bear the burden of testing hardware and software.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. EVE FRANKLIN asked **REP. THOMAS** if there was a way to work through the issues presented. **REP. THOMAS** answered that this bill mainly aimed at the base upon which the programs would be established. He added that a state agency would be responsible for understanding the request and the need.

SEN. FRANKLIN asked **REP. THOMAS** if the agency would designate who the responsible party was. **REP. THOMAS** answered that they would because the agency would know and understand the situation better.

SEN. FRANKLIN asked **REP. THOMAS** who would determine what was adaptable. He responded that the agency would determine that.

SEN. DON HARGROVE asked **DAN BURKE** if the companies had the necessary number of technicians for servicing these programs.

Mr. Burke replied that, yes, they did have the technicians available.

{Tape : 1; Side : B; Approx. Time Counter : 0}

SEN. HARGROVE asked **Tony Herbert** if there was enough time and money to implement the programs to the point where they would not be an undo burden. **Mr. Herbert** replied that, yes, because the new programs were already programming for the visually impaired. He added that all the state websites were required to have that capability. This legislation would assure that any new programs purchased would have those capabilities investigated prior to the purchase. **Mr. Herbert** told the committee that research programs may be very difficult to make accessible for the visually impaired.

SEN. ED BUTCHER asked **Tony Herbert** how much this would cost. **Mr. Herbert** answered the cost was undetermined because this bill was dealing with procurement to assure that any new programs purchased would be studied for accessibility. **Mr. Herbert** said that most successful software companies were putting those capabilities in place.

SEN. BUTCHER asked **Tony Herbert** if this bill would open the possibilities for civil rights litigation. **Mr. Herbert** responded that had been a big concern and that he was also concerned about the university systems. He added that he wanted to look into that issue further with lawyers.

SEN. BUTCHER asked **Jim Marks** if he could give an example of computer based graphics. **Jim Marks** said he surely could as he showed the committee some tactile maps designed for the visually impaired with raised graphics. He added that it was important to realize that the blind people do the same things as visually sighted people, just by different means.

SEN. PETE EKEGREN asked **REP. THOMAS** if this was for the state employees and the public as well. **REP. THOMAS** replied that it was for employees of the state and for the public in how they interact with the state department.

SEN. EKEGREN asked **REP. THOMAS** if there would need to be a fiscal note attached to the bill since it referred to 11,000 potential devices and upgrades. **REP. THOMAS** answered that there did not have to be a fiscal note because it was referring to procurements only.

SEN. HARGROVE requested **REP. THOMAS** to talk to the university system about liability concerns.

SEN. HARGROVE asked **REP. THOMAS** if this bill was mainly a guideline to follow. **REP. THOMAS** said it was.

Closing by Sponsor:

REP. BILL THOMAS, HD 93, told the committee the intent of this bill was to establish a legislative base from which to build upon. In regards to liability concerns, he said this would put Montana more in compliance with the present law.

HEARING ON HB 374

Sponsor: REP. BILL EGGERS, HD 6, Crow Agency

Proponents: Jeff Hindoien, representing himself
D. L. Clayborn, Indian Affairs
Jim Campbell, Montana Catholic Conference

Opponents:

Opening Statement by Sponsor:

REP. BILL EGGERS, HD 6, Crow Agency, told the committee this was a policy change with the state and various tribes. He developed this bill because of concerns he had with a hand-out, 9011-101.

REP. EGGERS said this bill would affect the way the state would interact with the 12 tribes. He said this bill would require the state coordinator to: (1) meet with quarterly with the tribal governments, (2) meet with directors on issues, and (3) report to the governor's cabinet meeting about issues that exist. REP.

EGGERS stated this bill would accomplish two things: (1) this would help to fill the divide between the tribes and the state, and (2) provide a definition of how to come together in regards to compacts. He reiterated that this was a policy statement to provide the threshold for the state government and tribes to come together.

Proponents' Testimony:

Jeff Hindoien, representing himself, supported this bill.

D. L. Clayborn, Indian Affairs, urged the committee to pass this bill.

Jim Campbell, Montana Catholic Conference, stated this bill would strengthen the government to government relationship.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JIM ELLIOTT asked REP. EGGERS why Section 2 was a temporary section. REP. EGGERS answered that it was the drafter's necessity.

SEN. ELLIOTT asked Jeff Hindoien the same question. Mr. Hindoien replied it was because of HB 21 which established the Economic Development Commission.

SEN. HARGROVE asked **Jeff Hindoien** if the agency met with the tribes together or individually. He responded that they could meet with all the tribes together or individually if problems had arisen.

D. L. Clayborn stated that many tribes had similar problems and the language of the bill allowed the flexibility to meet with all or some of the tribes.

Closing by Sponsor:

REP. BILL EGGERS, HD 6, closed HB 374 by telling the committee this bill would improve coordination between the state and tribal governments. He added that Governor Martz had already been meeting regularly with the tribal government leaders.

HEARING ON HB 116

Sponsor: **REP. DOUG MOOD, HD 58, Seeley Lake**

Proponents: **Kelly Jenkins, Public Employee Retirement Board**

Opponents: **None**

Opening Statement by Sponsor:

REP. DOUG MOOD, HD 58, Seeley Lake, said this bill dealt with the Defined Contribution Plan as put into placement with HB 47. This bill made the changes necessary for HB 47 to comply with federal law. He said page 20 allowed the staff to do some of the contract assistance.

{Tape : 1; Side : B; Approx. Time Counter : 12}

Proponents' Testimony:

Kelly Jenkins, Public Employee Retirement Board, **EXHIBIT(sts53a01)** explained the Defined Contribution Plan. He presented details **EXHIBIT(sts53a02)** about coordination and policy considerations and concerns. **Mr. Jenkins EXHIBIT(sts53a03)** explained sections of the bill and told the committee that the current law helped people who would leave and hurt people who stayed. He **EXHIBIT(sts53a04)** explained Table 1 which was the benefit eligibility and basic benefit formula. **Mr. Jenkins** stressed the importance of consistency in the retirement systems. **Mr. Jenkins** told the committee **EXHIBIT(sts53a05)** about the

government structure and administration. He recommended that disability plans remain in place for five years. He urged the committee to remove the amendment that was added by the House of Representatives floor.

Opponents' Testimony: None

{Tape : 2; Side : B; Approx. Time Counter : 7}

Questions from Committee Members and Responses:

SEN. ELLIOTT asked **REP. MOOD** why the one year vesting was added in the House of Representatives. **REP. MOOD** replied it was because of an ongoing debate. He added that the profile of the individual who joins the Defined Contribution Plan was different than the individual who should get into the Defined Benefit Plan. **REP. MOOD** told the committee that the Defined Contribution Plan was used to attract people to jobs. He said if you put the time limit up to five years, that would deter some people from taking those jobs such as at the university system.

SEN. ELLIOTT asked **REP. MOOD** if they were having to rely more and more on retirement benefits to retain employees than on salary. **REP. MOOD** answered that as the population aged, retirement programs gained more importance. He added that the state did use retirement systems as a substitute for low wages.

SEN. ELLIOTT asked **Kelly Jenkins** to respond to **REP. MOOD's** comments. **Mr. Jenkins** said he had covered the information in his written and oral testimony. He added that they did use retirement systems for retention as well as recruitment.

SEN. BUTCHER told **REP. MOOD** that there was enough money in the plan to cover it. He also expressed concern that if the time was lowered to one year, people may take the job only for insurance purposes. **REP. MOOD** replied that there was a contradiction in the bill concerning five years of service versus being a vested member of the retirement system. He told the committee that problem needed to be addressed.

SEN. FRANKLIN asked **REP. MOOD** if he would support the five years for health insurance and one year vested for the Employee Defined Contribution Retirement Plan. **REP. MOOD** replied that he would support that.

SEN. FRANKLIN asked **REP. MOOD** if he would support an amendment for health care access at five years. He responded that he would support that.

Closing by Sponsor:

REP. DOUG MOOD, HD 58, closed HB 116 by telling the committee that the intent of this bill was to bring consistency under the retirement plans.

ADJOURNMENT

Adjournment: 12:00 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts53aad)